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Held at Headquarters, New York,
on Tuesday, 8 July 1997, at 10:30 a.m.

Chairperson: Ms. KHAN

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The meeting was called to order at 10.40 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Initial report of Namibia (CEDAW/C/NAM/1)

1. At the invitation of the Chairperson, Ms. Ndaitwah (Namibia) took a place at the Committee table.

2. Ms. NDAITWAH (Namibia), introducing the initial report of Namibia, said that Namibia had acceded to the Convention on the Elimination of All Forms of Discrimination against Women without reservations within two years of gaining its independence in March 1990. The transition which had taken place in the seven years since independence had provided women with an unusual opportunity to assert their demands for rights in a fluid social and political environment, yet it had also meant that their struggle for equality must compete for attention on an agenda crowded with demands for change.

3. The Namibian Constitution explicitly forbade discrimination on the basis of sex and authorized affirmative action for women. It also committed the Government to the enactment of legislation to ensure equal opportunity for women, particularly in respect of equal pay for equal work and maternity benefits. The Namibian Constitution was also one of the few in the world that used gender-neutral language throughout. In addition to establishing an independent judiciary, the Constitution provided for an ombudsman empowered to investigate a broad range of problems. In December 1996, the President had appointed a woman to that post, and she had already made a public commitment to make her office particularly accessible to women.

4. Shortly after independence, a Department of Women Affairs (DWA) had been established in the Office of the President to ensure the integration of women into the development process, guide policy formulation and monitor implementation. The Department had done much to popularize the Convention in Namibia by publishing booklets explaining its provisions in all the major national languages. A recent restructuring had raised the head of the Department to Cabinet rank. Six regional offices would open within the coming year, providing better access for rural women. In the future, all Government policies and programmes would be guided by a national gender policy, which would be finalized later in the year. The Department utilized a basic structure of nine gender sectoral committees as its mechanism for consultation on national programmes.

Article 1

5. The Constitution stipulated equality of all persons before the law and explicitly forbade discrimination on the basis of sex. Few discrimination cases had come before the courts thus far, however, and only one had mentioned sex discrimination.

Article 2

6. Although sex discrimination had not yet been totally eradicated in either general law or customary law, action in both areas was under way. The Department of Women Affairs was finalizing the national gender policy, and the Law Reform and Development Commission was working to remove all existing discrimination in law. As for penal provisions affecting women, they represented only about 4 per cent of the total prison population, and any complaints had been addressed by the Department of Women Affairs.

Article 3

7. The problem of violence against both women and children had emerged as one of the greatest challenges to the advancement of women. Reports of rape and attempted rape were increasing each year, and although little statistical information was available, domestic violence was agreed to be a widespread problem.

8. To combat the problem, in an initiative unique in Africa, the Government had established a network of Women and Child Abuse Centres which provided a sensitive and integrated response to victims of violence and abuse. The police had also provided intensive training for investigators. A recent multi-media campaign and a series of national workshops had raised awareness of the issue of violence and helped to gather information for potential legislative approaches to domestic violence. With respect to violence against children, a new Child Care and Protection Act would be signed later in the year, and a Children's Ombudsman had been proposed.

Article 4

9. The Constitution authorized affirmative action for women, which had been implemented mainly through provisions ensuring the presence of women on important decision-making bodies and general authorization for affirmative action in specific fields. Policy on affirmative action in employment would be implemented through legislation removing employment barriers for women, positive steps to encourage the employment of target groups, and reasonable job accommodation measures. While quotas would not be utilized, numerical goals and timetables would be used to measure progress.

10. In the political sphere, the Local Authorities Act had required all political parties to place a specified number of women on their party lists for the local council elections held in 1992, and the Act had recently been extended to future elections, which should contribute greatly to women's political advancement at the local level. In fact, at its May 1997 Congress, the South West Africa People's Organization (SWAPO) had decided to present a list in the forthcoming local elections made up of an equal number of men and women candidates.

Article 5

11. Men still tended to dominate in the family context, and male control was reinforced by religious beliefs, cultural practices and remaining legal inequities. Moreover, there was an urgent need for increased public education

on unwanted teenage pregnancy and sexually-transmitted diseases, including a woman's right to say "no" to sex. The strong stereotype of women only as mothers could best be countered by the increased presence of women in public life to serve as alternative role models. Government efforts to combat sex-role stereotyping included a series of regional workshops targeted at school principals and others involved in curriculum development. The Namibian Broadcasting Corporation had made efforts to ensure that women were represented in its current affairs programming and to give prominent coverage to gender issues, but stereotypes were still evident, particularly in advertisements.

12. Some had criticized Namibia's hosting of the "Miss Universe" beauty pageant in 1995 on the grounds that it reinforced stereotypes of women. However, the debate on the topic might actually have contributed to a more critical public analysis of gender roles, and alternative views of women had been promoted at the time of the pageant through events such as women's art exhibitions and television programmes on women and development.

Article 6

13. Prostitution was illegal in Namibia, but in practice there were few arrests for prostitution-related offences. Consultations were scheduled to begin in the near future on reform of the act governing that area, and in the meantime a moratorium on all prosecutions relating to prostitution would continue until the new legislation was in place. There were very strict limitations on intercountry adoption to protect the best interests of the child and to ensure that such adoptions did not become avenues for trafficking in young women.

Article 7

14. Since the preparation of Namibia's report, the number of women at the ministerial and deputy ministerial levels had risen to 7 (out of 38) and the number of women in the National Assembly had risen to 15 (out of 78). The impact of women in Parliament would be strengthened by the Parliamentary Women's Caucus, which had been established in May 1996 to facilitate consultations on issues of particular concern to women. Moreover, affirmative action would attract more women to politics.

15. Although the situation had improved since Namibia's independence, women were still seriously under-represented in senior positions in both the Government and the private sector. Nonetheless, since the preparation of the report, Namibia's first woman judge had been appointed. The Ministry of Justice was trying to increase the proportion of women magistrates, which had reached 30 per cent in 1994. Traditional authorities and traditional courts were still dominated by men, but gender-sensitization workshops and affirmative-action provisions sought to address that imbalance.

16. Although women were less well represented in the broadcast media than in the print media, both media were increasing their coverage of gender-related issues, and a workshop had been held to explore strategies for empowering women employed in the media and to develop mechanisms to monitor the media's portrayal of women.

17. To address the lack of women in private-sector decision-making positions, affirmative-action legislation was being adopted and intensive training programmes were being conducted to help women in small enterprises to move into larger business ventures. The Department of Women Affairs had facilitated the establishment of the Namibian Women's Business Association and provided funding for selected business projects. Moreover, the affirmative-action measures should have an indirect impact on women's representation in trade-union structures.

18. Although few Namibian women held church leadership positions, the establishment of the Ecumenical Women of Namibia had enabled women from over 74 denominations to discuss strategies for addressing the social problems facing their communities. Non-governmental organizations were generally male-dominated, but many of them focused on gender issues.

Article 8

19. Only one of Namibia's 17 foreign missions was headed by a woman, but women made up nearly 43 per cent of all foreign mission staff, and one of the three Namibians employed as Professionals in the United Nations system was a woman. Capacity-building programmes should help to increase the number of women qualified for international postings. Moreover, each Ministry would, in future, report to the Department of Women Affairs on how many women participated in international delegations and conferences.

Article 9

20. Namibia's nationality laws were completely gender-neutral. No discrimination against women in respect of the acquisition or loss of citizenship had been reported. Likewise, no gender-related issues had been noted with respect to the treatment of refugees or the granting of refugee status. The population of Namibia's one refugee camp was fairly evenly divided between men and women, and schooling was available to both boys and girls at the camp.

Article 10

21. Under the Namibian Constitution, all persons had the right to education. The country spent 10 per cent of its gross national product on education; in 1996, over 90 per cent of the school-age population had been enrolled in school. The rapid growth in the number of pupils, schools and teachers placed a strain on the Government's ability to provide effective educational services. However, the Government had improved the collection and analysis of gender-disaggregated enrolment data.

22. Since Namibia's independence, female enrolment had increased at every age level, with a corresponding improvement in female literacy. While there were no major gender distinctions in school enrolment nationwide, female enrolment in certain regions declined markedly at the secondary-school level, often because of teenage pregnancy. The Government was currently considering a new policy under which pregnant schoolgirls would be supported rather than punished, serious action would be taken against teachers who engaged in sexual relations

with students and schoolboys responsible for such pregnancies would receive counselling on their responsibility to help maintain their child. In addition, family life education was being introduced in primary and secondary schools.

23. Comprehensive curriculum reform was under way at all educational levels. Although no special monitoring bodies or guidelines had been established on gender portrayals in textbooks, the Namibian Government was committed to the eradication of all sex discrimination. Gender stereotyping persisted in respect of course choices in secondary and higher education; career counselling should be improved to correct that problem.

24. All literacy teachers in the National Literacy Programme, which targeted women, received training in gender sensitivity. The results had been so successful that in July 1994 women had made up nearly 80 per cent of all persons enrolled in the programme.

Article 11

25. The 1992 Labour Act prohibited sex discrimination in all aspects of employment, as well as sexual harassment and discrimination based on family responsibilities. It also required equal pay for work of equal value; however, women were currently concentrated in low-paying sectors and occupations such as agriculture, domestic work and social services. Few women were employed in the formal sector, and only about 15 per cent of employers were women.

26. In 1994, the President had appointed a commission to study the labour situation of agricultural and domestic employees. That commission had held public hearings throughout the country and received information and research findings from a variety of groups and individuals, and was currently in the process of preparing recommendations. The 1992 Labour Act set minimum working conditions, provided a framework for collective bargaining, prohibited discrimination and safeguarded women's right to take maternity leave and to return to their jobs afterwards. Currently, the national maternity benefits fund covered only women who worked more than two days a week for the same employer, but consideration was being given to expanding that coverage to ensure that domestic workers could receive such benefits. The Labour Act made no provision for paternity leave, nor had there been any public demand for such leave.

27. New regulatory laws on childcare facilities were being formulated to protect children. However, incentives were needed to encourage employers to offer childcare facilities at the workplace, since very few employers currently offered such facilities. The high cost of childcare and the concentration of such services in urban areas made it all the more difficult for rural women to participate in the formal labour market.

Article 12

28. The Namibian Government had unified the country's health-care system under a central authority and had restructured it to improve services to the neediest population groups, with a new emphasis on primary health care.

29. According to 1991 figures, infant mortality in rural areas, at 72 per 1,000 live births, was significantly higher than in urban areas (55 per 1,000 live births). Fertility rates were also higher in rural areas, and generally reflected high fertility preferences. The Government was trying to reduce those rates through public education campaigns and expanded family planning services. The high incidence of teenage pregnancy pointed to a need for more family life education in the schools and greater dissemination of such information by health facilities.

30. Overall, the use of antenatal and delivery services was high. Immunization levels had increased remarkably since Namibia's independence. Infant mortality rates tended to decrease as women's levels of education increased; thus, a general improvement in the position of women should reduce the incidence of infant deaths. Average life expectancy at birth showed marked regional variations; the main causes of death among adults in hospitals included tuberculosis, circulatory-system disease, neoplasms, acute respiratory infections, malaria and high blood pressure.

31. Some of the Government's health-care initiatives, such as the Maternal and Child Health/Family Planning Programme and the Mother-Baby Friendly Initiative, specifically targeted women. Those efforts were complemented by the work of non-governmental organizations such as the Namibian National Women's Organization, which had launched a project to increase awareness of women's health needs and to promote safe motherhood.

32. Abortion was illegal except in the case of rape and certain other situations pertaining to the health of the mother or the child. The small number of legal abortions performed in Namibia were available mainly to educated women with easy access to the Windhoek State Hospital. Anecdotal evidence indicated that both illegal abortion and infanticide were problematic. A new law on abortion and sterilization, which would substantially liberalize the existing law, would probably be enacted by the end of the year.

33. The rate of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) infection was increasing more rapidly among women than among men, as a result of women's lower social and economic status. Specific attention to women with HIV/AIDS must be coupled with broader attempts to improve women's socio-economic status.

Article 13

34. In addition to its affirmative-action and other initiatives, the Government had sought to improve women's status by adopting the Married Persons Equality Act, under which married women were no longer required to obtain the consent of their husband before entering into a loan agreement.

35. Many donor-funded income-generating projects aimed at women perpetuated gender stereotyping by focusing on traditional women's skills such as sewing and cooking. Such projects often paid too little attention to feasibility studies and capacity-building.

36. A study of the existing child-maintenance enforcement procedure had identified areas in need of improvement, which were currently being considered

by a government commission. Maintenance grants were available to families in need, but the law governing such grants had been inherited from South Africa and was discriminatory in terms of sex and race. A new law which would address that problem and ensure that the grants more narrowly targeted the neediest households was currently under consideration.

37. Rural women were the largest demographic group in Namibia, comprising about one third of the population. Although Namibia had made much progress in improving living conditions for its rural population since independence, much remained to be done. Rural women were severely disadvantaged in terms of access to land, labour, agricultural services and assets, natural resources and employment and were virtually absent from decision-making and leadership structures. It would take a long time to address those inequities, but there were a number of government programmes which targeted rural women, including a programme designed by the Food and Agriculture Organization of the United Nations to encourage gender-sensitive planning and programmes to improve household food security, especially during droughts. Those programmes were crucial to rural women in terms of their role in subsistence agriculture. Rural women would also be assisted by the affirmative action provisions of the Cooperative Act. Her Government had made a special effort to reach out to the rural population in a number of programmes, for example through the employment of rural extension officers, and was taking steps to monitor the impact of such rural outreach efforts on women.

38. Communal land in rural areas was allocated by traditional authorities and, in some areas, rural women had no direct rights to land. A national land policy had been under discussion since 1996, in consultation with non-governmental organizations, which would accord women equal status with men with respect to all land rights and ensure the representation of women on future regional and local land boards.

39. The Government was the primary employer of rural women. Private sector employment was limited to poorly paid work on commercial farms and construction work. It was difficult for rural women to find professional jobs, because of inadequate education, and the lack of childcare facilities in rural areas. Although a bustling informal sector had emerged since independence, men dominated high-income activities. Women were engaging in community projects initiated by churches, non-governmental organizations and government departments, but such projects were concentrated in rural centres.

40. The newly enacted Traditional Authorities Act should contribute to the empowerment of rural women through the implementation of affirmative action programmes for women. Namibian non-governmental organizations had been involved with efforts to launch a rural women's movement, although consultations were still at a preliminary stage. Gender inequalities in inheritance under customary law were a problem in some communities; detailed data was being collected as a prelude to law reform in that area.

41. The age of majority under civil law was 21 for both men and women. The Married Persons Equality Act had now been passed by Parliament. Under the Act, couples who were married in community of property would be required to consult each other on major transactions, and there would be avenues of redress where consent to a transaction was unreasonably withheld by either spouse. Couples

who were married out of community of property had independent control over their respective property.

42. The Act also provided for equal guardianship of children born in either civil or customary marriages; guardianship powers could be exercised independently by either spouse, although the consent of both parents was required for important decisions. The Act also made the wife's domicile independent of that of her husband in both civil and customary marriages; the children's domicile was the place with which they were most closely connected.

43. In terms of customary law, the age of majority differed in different communities. Women married under customary had autonomous decision-making power in some respects, but were often subordinate to their husbands or other male relatives in important aspects of life. Although portions of the Married Persons Equality Act applied to customary marriages, the Government was developing a strategy for further law reform in respect of customary law, with particular attention to questions of inheritance.

44. The Namibian Constitution gave explicit protection to the family as the basic unit of society, without limiting the concept of family by attempting to provide a definition. Civil and customary marriages were often intertwined, and the concept of family often included extended family members. Cohabitation was not uncommon, and children were frequently born out of wedlock. Polygamy was practised in some areas.

45. Under the Constitution, men and women could enter marriage only with the free and full consent of the intending spouses. Men and women needed to be educated about the property consequences of marriage, however; meaningful changes in power relationships within families would require changes in people's attitudes to women.

46. Namibia's divorce law, while not discriminatory, were outdated and in need of reform. Many women had successfully applied for legal aid in divorce proceedings, especially where domestic violence was involved. The Law Reform and Development Commission was conducting research on attitudes to divorce and the operation of the divorce court.

47. Inheritance under civil law did not involve any overt sex discrimination, but some racial distinctions left over from the apartheid era still needed to be eliminated. The Law Reform and Development Commission was investigating the problems of discrimination in terms of inheritance under customary law.

48. Under the Married Persons Equality Act, the powers of mothers and fathers in both civil and customary marriages had been equalized. Mothers had greater rights over children born outside marriage. A draft children's status act currently under consideration would focus on that situation from the perspective of the rights of the child, rather than the competing rights of the parents.

49. There were some constraints on women's ability to control their fertility, including restrictions on abortion, social pressure to have children, and misinformation contraceptives. The Government's safe motherhood initiative had produced a marked increase in the utilization of family planning services by

women. Further advances could be made through public education, the removal of sex-role stereotypes, and general improvements in the status of women.

50. Married women were able to keep their own names if they wished, and to pursue the occupation of their choice. All sex discrimination and discrimination between married and single persons in the tax laws had been removed shortly after independence.

51. Minors needed the consent of their parents to enter into civil marriage. The age of consent for marriage was 18 for both boys and girls. There was no minimum age for marriage under customary law, but women's age at first marriage was tending to rise. Registration of customary marriages would be made compulsory once the research on customary marriage was completed.

52. Workshops to implement the Platform for Action of the Fourth World Conference on Women were being conducted all over Namibia and local programmes for its implementation were being developed at the community level. However, the implementation of the Convention and of the Platform for Action were hindered by lack of funds. Prior to the Conference, in 1993, Namibia had identified nine sectoral areas of concern in the process of women's empowerment; at the Conference, it had made a firm commitment to pay special attention to education, training and the girl child; women and law; violence against women and children; and health. The Ministry of Basic Education and Culture had developed a programme to screen training materials used in adult education for gender bias and to include a gender component in teacher training programmes. It was conducting business training courses and providing incentives for girls to pursue training in mathematics and science-related fields. A gender training and research programme had been established at the University of Namibia, under which research had been carried out on traditional practices, food security and gender research methodology.

53. Although Namibia had made great strides in improving the position of women, it would take time to achieve gender equality on all fronts; the Government could not accomplish such a change on its own and would need the partnership of non-governmental organizations.

General questions

54. Ms. ABAKA said that it was commendable that Namibia had ratified the Convention without any reservations. The report gave a frank description of the achievements made and the obstacles encountered. It was clear that there was the political will to ensure respect for the human rights of all Namibian citizens.

55. The report did not refer to any of the Committee's 22 general recommendations; those recommendations should be taken into account in the next report.

56. Despite constitutional protections and new legislation, it was clear that in Namibia, as in many other African countries, women still faced persistent discrimination emanating from deep-rooted traditions and customary laws. A large number of women were not empowered economically and, since they were

primarily concerned with survival, could not fulfil the aspirations envisaged in the Convention. Greater efforts must be made to reexamine the traditional roles of women and men in the family, the first level of decision-making.

57. Ms. SINEGIORGIS said that, since gaining independence in 1990, Namibia had ratified the Convention and had made great efforts to improve the status of women. It was commendable that non-governmental organizations had been closely involved in the preparation of the report.

58. The establishment of an ombudsman in the Department of Women's Affairs and of regional offices and women and child abuse centres was encouraging. As in other African countries, deep-rooted traditional practices were an impediment to the implementation of the Convention; the Government of Namibia would have to be very careful in attempting to eradicate them and should continue to sensitize the public on such issues.

59. Ms. BERNARD expressed her appreciation for the breadth and detail of the report, and for the Namibian Government's having ratified the Convention and preparing the report within such a short time after gaining independence, as well as for having established the Department of Women Affairs and for its specific attention to legal reform on gender issues as reflected by the establishment of such bodies as the Women and Law Committee. She looked forward to the gradual elimination of discrimination against women in civil and traditional marriage following the passage of the Married Persons Equality Bill, and commended the appointment of a woman ombudsman. She also hoped that the appointment of Namibia's first woman judge would pave the way for further appointments of women to judgeships.

60. Ms. LIN Shangzhen joined her colleagues in commending the Namibian Government for having prepared such a detailed report so soon after gaining independence. She also expressed her deep appreciation to Namibian President Nujoma for having provided the report's foreword, and hoped that he would continue to support the advancement of Namibia's women and the Department of Women Affairs.

Article 2

61. Ms. AOUIJ congratulated the Government of Namibia for its efforts at legal reform and improvement of the situation of women in that country, but noted that the continuing conflict between traditional and civil law often perpetuated discrimination against women. The Department of Women Affairs and non-governmental organizations should press the Government to review its legislation in that regard and reconcile traditional law and practices with civil law so as to eliminate such discrimination. She also hoped that more women would become judges, and that a greater sensitivity regarding the situation of women would permeate the country's legal institutions.

62. Ms. Yung Chung KIM asked how soon existing stereotypes and laws on sexual offences would be reformed, how many women had been appointed to the Law Reform and Development Commission, and how the Commission operated in its work.

63. Ms. CARTWRIGHT endorsed the views of her colleagues regarding the impressive progress being made towards equality for women in Namibia, and asked

what measures were being taken to disseminate awareness of the significance of Namibia's ratification of the Convention, whether women faced financial restrictions in bringing issues of concern to them to the courts, and whether legal aid was available to assist such actions. She also asked if a systematic programme existed to review and prohibit customary law that conflicted with the new Namibian Constitution and with the Convention, whether the Government recognized its obligation under international law to prohibit such laws, to what extent the Convention would prevail in court interpretations of conflicts with traditional or customary laws, and whether recent progress for women in community courts cited in one area of the country was spreading beyond that area. With regard to article 7, she noted with pleasure the appointment of Namibia's first woman judge, but stressed the importance of taking active measures to promote broader participation by women throughout the legal system, and asked if any such measures were currently being contemplated.

64. Ms. FERRER joined her colleagues in commending the Namibian Government and Department of Women Affairs for the breadth and detail of the report, but asked if the work of the newly-established Women and Law Committee and other organizations concerned with women's rights was being hampered by a lack of personnel, and whether a programme existed to disseminate knowledge and monitor the application of provisions of the new Constitution regarding women's equality.

65. Ms. RYEL expressed her appreciation for the actions taken by the Namibian Government as described in the report, and, referring to the tendency of gender equality issues to be subsumed by general human rights issues, asked whether the ombudsman intended to concentrate on gender issues as such. She also suggested that the nine gender sectoral committees described in the report should strengthen communication among themselves, with the participation of the ombudsman as well.

66. Ms. JAVATE DE DIOS, Rapporteur, expressed the Committee's appreciation for the high quality of the report, its adherence to Committee guidelines, and the active participation of non-governmental organizations in its preparation. The elevation of the Department of Women Affairs to Cabinet level was a particularly impressive sign of the Namibian Government's political will to effect gender equality, and the passage of the Married Persons Equality Act would further improve the status of women in Namibia. She asked what measures the Government was taking or contemplating to deal with conflicts between customary law and the new Constitution, and to handle resistance to change in general. There appeared to be a need for further public education in that area, as well as for mechanisms to monitor the implementation of anti-discrimination laws.

The meeting rose at 1.00 p.m.